



UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/035,936	03/02/98	BERNARDY	E

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PMC2/0429

EXAMINER

SHACKELFORD, H

ART UNIT

PAPER NUMBER

3671

DATE MAILED: 04/29/99

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
09/035,936

Applicant(s)
BERNARDY

Examiner
H. SHACKELFORD

Group Art Unit
3671



☐ Responsive to communication(s) filed on _____

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-20 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1-20 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
☐ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 2, 4

☐ Interview Summary, PTO-413

☒ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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1. Applicant's request for status letters have been received and entered into the file.
2. Claims 1-20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, are the auxiliary cutting means disposed above or below the disk? The drawings all show them above the disk. For instance, claim 9 discloses an upper serrated cutting edge. This alludes that the blades are above the disk, not below as claimed in claim 1.

In claim 3, it is unclear what is meant by "centrally inclined".

In claim 5, it is unclear whether the adjacent nested blades are intended to be claimed.

In claim 7, it is unclear **what structure** applicant means by the term "modular".

In claim 11, it is unclear what is meant by "substantial material reserve." There is no helpful explanation in the specification. Also, "cutting serrations" are inferentially claimed.

In claim 19, it is unclear how "a ramp" calibrates cutting depth since no structural relationships have been claimed.

Since claims 12-20 parallel claims 1-11, for the most part, applicant is advised to correct both sets of claims.

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless --

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

4. As best understood, claims 1-5, 7, 10, 12-16 and 18 are rejected under 35 U.S.C. 102(b) as being anticipated by Buchanan.

Buchanan discloses a blade having a disk member (see figure 1 and 5) with a peripheral cutting means 30, a center aperture for mounting, an auxiliary cutting means 54 disposed at an acute angle which is "bent slightly out of the plane of the blade" (col. 3, line 25-27). The auxiliary cutting means has a base line that allows for staggered widening cutting and has flat side structures for clearing debris. The auxiliary cutting means are made integral with the disk and have corresponding voids. The auxiliary cutting means are unserrated and rectangular in structure with a single forward cutting edge.

5. As best understood, claims 1-5, 7, 11-16 and 18 are rejected under 35 U.S.C. 102(b) as being anticipated by Haas.

Haas disclose a disk blade having peripheral cutting means and auxiliary cutting means 34 disposed at an acute angle from the disk wherein the auxiliary cutting means has flat sides and corresponding voids and is made integral.

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6. As best understood, claims 1-4, 10, 12-15, 18-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Marvin. Marvin discloses disk blade having peripheral cutting means and auxiliary cutting means 14 disposed at an acute angle from the disk wherein the auxiliary cutting means has flat sides and are replaceable and provide a ramp provided on the angled surface 11.

7. As best understood, claims 1-7, 10-18 are rejected under 35 U.S.C. 102(b) as being anticipated by Rider. Rider discloses a disk blade having peripheral cutting means and auxiliary cutting means 12 disposed at an acute angle from the disk wherein the auxiliary cutting means has flat sides and corresponding voids. Forward and rearward voids are disposed on either side of the and auxiliary cutting means.

8. Claims 8 and 9 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

9. It is called to applicant's attention that if a communication is deposited with the U. S. Postal Service and mailed to the Office by First Class Mail before the reply time has expired, applicant may submit the reply with a "Certificate of Mailing" which merely asserts that the reply is being mailed on a given date. So mailed, before the period for reply has expired, the reply may be considered timely. A suggested format for a certificate follows:

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I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to:

Assistant Commissioner for Patents
Washington, D.C. 20231
on _____ (date).


Typed or printed name of person signing this certificate

Signature _____

Date _____

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. McRobert et al. discloses a saw blade with replaceable auxiliary cutting means.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to H. Shackelford whose telephone number is (703) 308-2978.



**H. SHACKELFORD
PRIMARY EXAMINER
GROUP 3600**

hcs
April 26, 1999